

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LOGAN PAUL,

Plaintiff,

v.

**STEPHEN FINDEISEN AND
COFFEE BREAK PRODUCTIONS, LLC
d/b/a COFFEEZILLA,**

Defendants.

Civil Action No.: 5:24-cv-00717

DEFENDANTS' DESIGNATION OF TESTIFYING EXPERTS

TO THE HONORABLE COURT:

Pursuant to the Court's Scheduling Order (ECF No. 18) and the agreement of the parties regarding the applicable deadline, Defendants Stephen Findeisen and Coffee Break Productions, LLC d/b/a Coffeezilla hereby designate the following testifying experts:

1. James C. Spindler
The University of Texas School of Law
727 E. Dean Keeton Street
Austin, Texas 78705
jspindler@law.utexas.edu

Mr. Spindler has been retained as a testifying expert by Defendants. He will testify regarding the matter and opinions contained in his expert report. Mr. Spindler's expert report and information required by Federal Rule of Civil Procedure 26(a)(2)(B) is being served on all parties on this date.

2. Jason Davis
DAVIS & SANTOS, PLLC
719 S. Flores St.
San Antonio, Texas 78204

jdavis@dslawpc.com

Mr. Davis will testify concerning reasonable attorneys' fees and costs incurred in prosecuting and defending the claims in this action, to the extent that attorneys' fees and costs are recoverable. Mr. Davis will also testify concerning reasonable and necessary attorneys' fees and costs that will be incurred on behalf of Defendants in the event of an appeal to the Fifth Circuit Court of Appeals or to the United States Supreme Court, to the extent such fees and costs are recoverable by Defendants. Mr. Davis may also provide an opinion on any other parties' request, if any, for attorneys' fees and costs, both at trial and in the event of an appeal.

Mr. Davis will base his opinions on his education, training, and experience as a trial attorney practicing law in the State of Texas, and elsewhere, on the Texas Disciplinary Rules of Professional Conduct, on a review of his firm's billing and time records, on a review of the billing and time records of counsel for any other party requesting fees, and on the pleadings, motions and other documents served in this case.

In forming his opinions, Mr. Davis will consider the type of litigation involved, as well as the parties and counsel involved, and will evaluate the following factors, among others: the time and labor required; the novelty and difficulty of the questions involved; the skill required to perform the legal services properly; the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the attorneys involved; the fee customarily charged in the locality for similar legal services; the amount involved and the results obtained; the time limitations imposed by the client or by the circumstances; the nature and length of the professional relationship with the client; the experience, reputation, and ability of the attorneys involved; and whether the fee is fixed or

contingent on results obtained or uncertainty of collection before the legal services have been rendered.

Mr. Davis will also testify as to the requirements of *Tony Gullo Motors I, L.P. v. Chapa*, 212 S.W.3d 299 (Tex. 2006), its progeny, and other applicable authority and case law concerning fee segregation and the basis and requirement to segregate fees for those fees incurred by the parties in this suit.

Mr. Davis will also testify regarding what a reasonable hourly rate in this case for an attorney in San Antonio, Texas, would be, depending on the attorney's level and experience.

Redacted invoices from DAVIS & SANTOS, PLLC and other counsel representing Defendants in this matter will be produced for inspection upon reasonable request. Mr. Davis' testimony concerning any other party's request for fees and expenses, if any, will necessarily require and involve a review of their counsels' billing statements.

Mr. Davis' CV is being served on all parties on this date.

3. Caroline Newman Small
DAVIS & SANTOS, PLLC
719 S. Flores St.
San Antonio, Texas 78204
csmall@dslawpc.com

Mrs. Small will testify concerning reasonable attorneys' fees and costs incurred in prosecuting and defending the claims in this action, to the extent that attorneys' fees and costs are recoverable. Mrs. Small will also testify concerning reasonable and necessary attorneys' fees and costs that will be incurred on behalf of Defendants in the event of an appeal to the Fifth Circuit Court of Appeals or to the United States Supreme Court, to the extent such fees and costs are recoverable by Defendants. Mrs. Small may also provide an opinion on any

other parties' request, if any, for attorneys' fees and costs, both at trial and in the event of an appeal.

Mrs. Small will base her opinions on her education, training, and experience as a trial attorney practicing law in the State of Texas, and elsewhere, on the Texas Disciplinary Rules of Professional Conduct, on a review of her firm's billing and time records, on a review of the billing and time records of counsel for any other party requesting fees, and on the pleadings, motions and other documents served in this case.

In forming her opinions, Mrs. Small will consider the type of litigation involved, as well as the parties and counsel involved, and will evaluate the following factors, among others: the time and labor required; the novelty and difficulty of the questions involved; the skill required to perform the legal services properly; the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the attorneys involved; the fee customarily charged in the locality for similar legal services; the amount involved and the results obtained; the time limitations imposed by the client or by the circumstances; the nature and length of the professional relationship with the client; the experience, reputation, and ability of the attorneys involved; and whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

Mrs. Small will also testify as to the requirements of *Tony Gullo Motors I, L.P. v. Chapa*, 212 S.W.3d 299 (Tex. 2006), its progeny, and other applicable authority and case law concerning fee segregation and the basis and requirement to segregate fees for those fees incurred by the parties in this suit.

Mrs. Small will also testify regarding what a reasonable hourly rate in this case for an attorney in San Antonio, Texas, would be, depending on the attorney's level and experience.

Redacted invoices from DAVIS & SANTOS, PLLC and other counsel representing Defendants in this matter will be produced for inspection upon reasonable request. Mrs. Small's testimony concerning any other party's request for fees and expenses, if any, will necessarily require and involve a review of their counsels' billing statements.

Mrs. Small's CV is being served on all parties on this date.

Defendants reserve the right to supplement these designations as permitted by the Federal Rules of Civil Procedure and pursuant to the Court's Scheduling Orders.

Dated: March 18, 2025

Respectfully submitted,

DAVIS & SANTOS, PLLC

By: /s/ Caroline Newman Small

Jason M. Davis

Texas State Bar No. 00793592

Email: jdavis@dslawpc.com

Caroline Newman Small

Texas State Bar No. 24056037

Email: csmall@dslawpc.com

Rachel Garza

Texas State Bar No. 24125240

Email: rgarza@dslawpc.com

719 S. Flores Street

San Antonio, Texas 78204

Tel: (210) 853-5882

Fax: (210) 200-8395

*Attorneys for Defendants Stephen Findeisen
and Coffee Break Productions, LLC d/b/a
Coffeezilla*

CERTIFICATE OF SERVICE

I certify that on March 18, 2025, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system and all counsel of record will receive an electronic copy via the Court's CM/ECF system.

/s/Caroline Newman Small
Caroline Newman Small